

Office of the Attorney General  
State of LOUISIANA

Opinion No. 80-1493  
December 3, 1980

RETIREMENT--Municipal Police Employees 92-A-2(j)  
MUNICIPAL FIRE & POLICE CIVIL SERVICE 71-1-1 R.S. 33:2214(B)

A disabled police officer is entitled to up to 52 weeks of paid sick leave after he becomes disabled.

Mr. Lee Fournet  
Chief of Police  
P. O. Box 387  
New Iberia, LOUISIANA 70560

Dear Chief Fournet:

You have requested an opinion from the Attorney General's office concerning the application of the leave law for police officers.

Your letter states that a police officer employed by the City of New Iberia claims to have been injured on or about May 31, 1978 while on duty. He missed two weeks in August 1978 at the request of his doctor. On November 14, 1979 he was given leave at his doctor's request for surgery and missed work from November 14, 1979 to June 20, 1980 when he was returned to temporary light duty. You state there is no light duty work for police officers so he was allowed to relieve the radio operators. On June 26, 1980 his doctor again placed him on sick leave. On November 4, 1980 you received a notice from his doctor stating that he is unable to return to full duty work.

Under these facts you ask the following questions:

1. Under the fifty two weeks leave law for Police Officers who are injured or sick: Is Robert Turnwall entitled to any more time off now that he is being released from his Doctor's care?

2. As his Doctor states that he cannot do the work of a regular employee of his class and is permanently injured, are we acting properly to terminate his employment and recommend that he apply for a disability pension?

R.S. 33:2214(B) authorizes sick leave for employees of police departments and provides in part as follows:

'B. Each employee of the police departments of the municipalities covered by this Sub-part shall be entitled to and given with full pay a sick leave aggregating not less than fifty-two (52) weeks during any calendar year when the conditions actually warrant. Any police department employee who draws such full pay during sick leave shall have such pay decreased by the amount

of workmen's compensation benefits actually received by such employee.'

Under this statute an employee of a police department is entitled to a sick leave of up to fifty-two weeks in a calendar year when the conditions actually warrant. In the case of Hoffpaur v. City of Crowley, 241 So. 2d 67, LA. App. 3rd Cir. (1970), the court interpreted the language 'when conditions actually warrant' to refer to the employee's physical condition or disability. The court held that a policeman who became disabled whether in the performance of his duties or otherwise was entitled to a fifty-two week period of paid sick leave after the date he became disabled.

After studying this case and the statute (R.S. 33:2214(B)) it is the opinion of this office that a policeman whose physical condition prohibits him from working must be given paid sick leave during any time that he cannot work for up to one calendar year after he first became disabled or could not work because of his physical condition. After the elapse of fifty-two weeks or one calendar year his paid sick leave can be terminated.

Therefore, to specifically answer your questions it is our opinion that in this case the calendar year would start in August of 1978 when he was first placed on sick leave at the request of his doctor. In any event, this person has clearly been disabled and unable to perform his regular work since November 14, 1979 when he was placed on sick leave for surgery. At the present time one year has elapsed since that date and it is our opinion that the person is no longer entitled to a paid sick leave under R.S. 33:2214(B). If he cannot return to work as a police officer, he can be terminated by the appointing authority. He should be allowed to apply for a disability pension prior to any termination by the appointing authority.

If we may be of further help in this matter, please call on us.

Sincerely,

William J. Guste, Jr.  
Attorney General

By: William T. Reeves, Jr.  
Assistant Attorney General

La. Atty. Gen. Op. No. 80-1493, 1980 WL 116692 (La.A.G.)

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